

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

RANDY WILCHER,

Defendant.

CRIMINAL FILE NO.

1:10-CR-25-TWT

ORDER

This is a criminal action. It is before the Court on the Report and Recommendation [Doc. 142] of the Magistrate Judge recommending denying the Defendant's Motion to Vacate Sentence [Doc. 132]. For the reasons set forth in the thorough and well-reasoned Report and Recommendation, the Defendant's trial counsel was not ineffective with respect to her objections to the testimony of Agent Arrugueta. In his Objections, the Defendant repeats his arguments that the Court is not bound by the Supreme Court's opinion in Almendarez-Torres v. United States, 523 U. S. 224 (1998). The Court is not at liberty to ignore binding precedent. The Defendant's Objections to the Report and Recommendation are without merit. The Defendant's Motion to Vacate Sentence [Doc. 132] is DENIED. No Certificate of Appealability will be issued.

SO ORDERED, this 2 day of July, 2015.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge